

ORIGINAL

USPO Sandford
Fax# 347 534-3460

DJF
clm

**Memorandum to
The Honorable Frederic Block
United States District Judge**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ JAN 18 2004 ★

P.M. _____
TIME A.M. _____

**Re: Tyrone Elliot
Dkt.#: 02CR00791 - 001
Supervised Release: 1-22-04 to 1-21-09
REQUEST FOR REMAINDER OF HOME
CONFINEMENT TERM TO BE CONVERTED
TO A CURFEW**

The above mentioned offender was sentenced by Your Honor on January 22, 2004 to time served and five years supervised release. Special conditions were ordered as follows: 1) two years home confinement, defendant is not responsible for costs of electronic monitoring, 2) defendant shall not possess a firearm or destructive device, and (3) the defendant shall submit his person residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the condition of release may be found; the search must also be conducted in a reasonable manner and at a reasonable time; failure to submit to a search may be grounds for revocation; the defendant shall inform any other resident that the premises may be subject to search pursuant to this condition. Elliot was also ordered to pay a special assessment of \$100. The sentence followed a plea of guilty to 21 U.S.C. 846, Knowingly and Intentionally Conspired to Possess and Distribute Cocaine.

The purpose of this memorandum is to respond to the releasee's request to modify his term of home confinement. He has been generally compliant during the term of probation, and continues to reside with his family in Brooklyn. Elliot has paid the assessment fee in full and gained full time employment as a porter on Hansen Street in Brooklyn and is performing very well at his job. He has made many positive steps since being sentenced in January of 2004.

In regard to his health, Elliot still battles a severe heart condition and also is experiencing a recurring ulcer on his leg which has required multiple hospitalizations.

Elliot was placed on home confinement on February 26, 2004 and will remain on electronic monitoring until February 25, 2006. He has complied with the strict nature of home confinement and he has been attentive and responsible throughout his term.

As the Court is aware of the offender's request (see attached letter) to modify the special condition for home confinement and would respectfully recommend Elliot's home confinement term be modified to a curfew. This would provide him with less restrictions and allow him more freedom in his daily activities. The modification will assist with medical issues, family needs and assistance with his wife's work with the City Council campaign for Council Member Letitia James. If the Court is inclined to modify to a curfew, we would request a curfew of 11 pm to 6 am daily.

Based upon the offender's good adjustment to supervision and compliance with his home confinement term for the past 16 months, we approve of this request and submit the matter to Your Honor for a final decision which can be indicated below.

The Court has considered the request that the special condition for twenty-four months home confinement to be modified to an electronically monitored curfew between the hours of 11:00 pm and 6:00 am., and so orders;

Permission Granted:


U.S. District Judge

6/6/05
Date

Permission Denied:

U.S. District Judge

Date

Schedule Hearing:

U.S. District Judge

Date

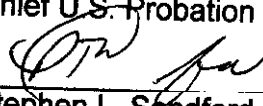
Other:

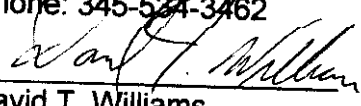
U.S. District Judge

Date

Prepared and Submitted by:

Tony Garoppolo
Chief U.S. Probation Officer


Stephen L. Sandford
U.S. Probation Officer
Phone: 345-524-3462


David T. Williams
Supervising U.S. Probation Officer
Phone: 347-534-3437

cc: AUSA Carolyn Pokorny, Esq.
cc: Defense Counsel, Heidi C. Cesare, Esq.

June 3, 2005
Brooklyn, New York